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2. Disclosure of the classified information described in the Government Submission to the defense or the public could reasonably be expected to cause serious damage to the national security.
3. The head of the department which has control of the classified information described in the Government Submission, after actual personal consideration, has lodged the state secrets privilege with respect to that classified information.
4. The classified information described in the Government Submission is not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, or Rule 16 of the Federal Rules of Criminal Procedure. In addition, the classified information described in the Government Submission is not helpful to the defense, that is, useful to counter the Government's case or to bolster a defense, as required under *United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008).

Accordingly, it is:

ORDERED that the Government Motion is granted, and the classified information described in the Government Submission need not be disclosed to the defense; and it is further

ORDERED that the Government Submission is hereby sealed, and shall remain preserved in the custody of the Classified Information Security Officer, in accordance with established court security procedures, until further order of this Court.

SO ORDERED in Chambers this 5th day of January, 2017.



THE HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE